

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

December 1, 2009

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, December 1, 2009 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

1. CALL TO ORDER

Chairman Hammer called the meeting to order at 7:02 p.m.

1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum)

Clerk Knecht called the roll as follows:

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	✓		
Richard Roberts, Vice Chairman	✓		
Philip Knecht, Clerk	✓		
Thomas Harley	✓		
Robert Jurasin	✓		
Frederick Petrelli	✓		
Earle Munroe	✓		
George Oickle	✓		
Anthony Homicki	✓		
James Hughes (alternate)	✓		
Dave Edwards (alternate)			✓
Thomas Dean (alternate)			✓

Also present: Peter Gillespie, Town Planner; Denise Bradley, Assistant Planner;
Jeff Bridges, Town Manager.

Chairman Hammer noted that there were 9 full members and 1 alternate in attendance at the time of roll call. All members present to participate.

Members of the public were present.

2. OLD BUSINESS

There was no old business.

3. NEW BUSINESS

4. OTHER BUSINESS

4.1 PUBLIC HEARING APPLICATION NO. 1691-09-Z: John & Shireen Aforismo Seeking a Special Permit to host special events at 185 Broad Street (Renewal & modification to Application No. 1635-08-Z). Hearing Closed, Action Tabled from 11/17/09.

Note: Commissioner Petrelli recused himself from the discussion and voting of this matter.

Chairman Hammer provided a summary of a November 25, 2009 Memo to Peter Gillespie from the Town Attorney (John W. Bradley, Jr. Esq. and Jonathan Chappell, Esq.), Law Offices of Rome, McGuigan, P.C., 1 State Street, Hartford, CT 06103, regarding the pending special permit. The memo indicated that the property is permitted, by special permit, as a bed and breakfast ("B&B"), and that the Commission must make findings with respect to the special permit criteria contained with the zoning regulations.

Counsel stated that noting in its Memo is intended to limit the Commission's discretion or authority.

Counsel noted that as to the issue of Accessory Use, provided that evidence is placed into the record that is sufficient to demonstrate that a B&B customarily also has special events on the premises, then the event may be found to be an accessory use. Although there is no authority on this specific issue in Connecticut, at least one court has decided that holding events such as a wedding qualify as an accessory use of a B&B. Counsel provided the case regarding said finding.

Counsel also noted that although the property is located in a residential "A" Zone, the requirements for the B&B use in terms of the Parking are generally satisfied by the Applicant. However, parking for special events is not specifically addressed in the regulation, but it is clear that an event with 125 guests, compared to the parking required for the B&B itself, requires additional parking which the property may not be able to handle. Counsel cites Section 6.2.B.2. of the Town regulations, stating "Required parking spaces shall be located on the same lot as the use for which such spaces is required, except with approval of the Commission in unique circumstances, parking spaces may be located on another lot within a radius of 250 feet of, and in the same zoning district as the use which it is intended to serve." Counsel indicated that the location of each shuttle lot is located within 250 feet of the Silas Robbins House or whether an agreement remains with the Keeney Center and/or Leclair's. Counsel noted that the Keeney Center is in the residential "B" (not "A") zone and that Leclair's is not in a residential zone. Counsel stated that the rationale for the 250 foot requirement is suspect by questioning why the distance of the shuttle lot location matters.

Counsel stated that Section 6.2.C.2. indicates that an adequate number of parking spaces, if not specified in the regulations, can be determined by the Commission's discretion to determine what is necessary and to accommodate the motor vehicles for all occupants, employees, suppliers, customers and persons normally visiting the premises at any one time. Counsel noted that this might be read to allow the Commission to approve the "events use" with a parking alternative like the shuttle from off site, but the parking space requirements appear intended to provide the minimum space to accommodate a use and events. However, Counsel reasoned, events with 125 guests cannot to be accommodated by using the property itself.

Counsel noted that in Section 6.2.C.4. allows flexibility for the Commission and Town Staff to figure out appropriate parking solutions at the subject property. Counsel mentioned that regulation of parking is a very difficult issue, especially given the location of this property in a residential zone. Generally, it seems that vehicles may be lawfully parked along the side of the road, provided that the vehicle's location does not obstruct traffic or interfere with access (such as a driveway). It was noted that a zoning commission does not have exclusive authority over the parking of cars along a public street. As such, the police department, despite prohibition or permission of the Commission, may order a vehicle

to be moved. It was also noted that the Commission is charged with the responsibility of determining the adequacy of parking for events.

Zoning regulations may require an additional Special Permit from the Commission for the sale or dispensing of alcohol at the property during a special event. Despite a caterers licensing with the State, the Commission must consider the “general” special permit criteria, as well as criteria such as proximity to schools, residential neighborhoods, etc., and proximity to other alcoholic beverage establishments. Counsel noted a lack of knowledge with regard to how the Commission has interpreted special permit criteria in this regard in the past.

Counsel noted that the special permit currently held requires compliance with the noise ordinance and a prohibition on amplified music. Since the applicant seeks to remove the prohibition, the Commission needs to determine if amplified music can be harmonious with the neighborhood. Counsel deferred to the outcome of an accessory use case in the District of Columbia that prohibited amplified music at a B&B’s accessory use events. Counsel noted, however, that the Commission should not assume that the conditions of approval will be violated, and it would seem unreasonable to the applicant to assume that it will disobey the mandates of the noise ordinance (or any other law which might potentially be breached). It was also noted that although the opposition claims that due to the prior permit approval, the W.P.D. refused to address at least one claimed violation of the noise ordinance, the W.P.D.’s “jurisdiction” as to the noise ordinance is not superseded by any approval that the Commission may grant.

Discussion:

Mr. Gillespie noted that he prepared a document delineating the eight (8) stipulations of the last approval and highlighted in gray the sections where the Applicant is seeking modification. Modifications for two (2) of the eight (8) stipulations do not seem to be apparent but will be discussed. He noted the six issues that the Commission must weigh in on regarding this Application renewal. The six issues are: (1) The issue of the number of events being increased from 2 to 4; (2) The issue of an increase the maximum number of events per calendar month from 1 to 2; (3) The issue of extending the term of the permit duration from 1 year to a permit for up to 5 years; (4) The issue of removing the prohibition of parking on Robbinswood Drive; and (6) The issue of removing the prohibition of amplified music or other sound.

Mr. Gillespie noted that the last condition of the document (stipulation #9), as suggested by the Chairman, has been drafted in an attempt to address issues of enforcement, if necessary.

Note: Commissioner Petrelli recused himself from the discussion and voting of this matter.

Commissioner Homicki indicated that he is comfortable with voting on the Application at this time. He noted that although he missed one of the meeting sessions regarding this Application, he read the minutes of the meeting and watched the meeting he missed on the Town’s public access channel (PAC-16).

Chairman Hammer noted that seven (7) Commission members [Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle] who are now in attendance at this meeting have been present during the previous meetings regarding this Application renewal. He also acknowledged that Commissioner

Homicki would also be voting on this Application renewal.

Commissioner Knecht made an inquiry regarding the genesis of the neighborhood complaints regarding amplified music.

Chairman Hammer responded and Commissioner Roberts concurred that there is an understanding of the Applicants that the complaints and issues regarding amplified music were not related to the special permit granted by the Commission in the past, as the events were considered by the Applicants as events where friends or family were utilizing the Silas Robbins House and that said events were not commercial events.

Chairman Hammer indicated that if any of the Commission members had questions regarding the opinion of the Town Attorney, said matters should be discussed. He also noted that the members need to decide if there should be a renewal of any part of the permit, and if so, what portions of the existing permit need to change.

Commissioner Harley noted and Commissioner Hughes concurred that they are comfortable with the Town Attorney's opinion and are in favor of renewing the Application with some modifications.

Chairman Hammer noted that there were no negative incidents associated with the existing permit.

Commissioner Oickle indicated that he is not in favor of businesses in a residential zone. He noted that allowing amplified music poses problematic issues. He believes that events classified as "friends/family" are difficult to enforce by permit. He also noted that the issue of parking relative to the requirement of its availability within 250 feet from the site cannot be accommodated. For these reasons, he believes he may vote unfavorably with regard to this Application renewal.

Commissioner Homicki complimented the opinion of the Town Attorney. He reasoned that the definition of shuttle parking is now more significant due to the legal opinion and that the 250 foot parking requirement is subject to revisiting by the Commission for clarification. He also reasoned that the Commission learned that there is no precedent the Commission could rely on regarding the sale or dispensing of alcohol at the property during a special event. He believes that the Commission should have some oversight on this Application renewal.

Chairman Hammer noted that it is unfortunate that there is a hardening of extreme positions on both sides. He noted that this Application is a Special Permit request that requires the Commission to look at the specific neighborhood and location of this use and whether said use will impact its surroundings. He mentioned that the Application renewal has nothing to do with the vacant property formerly known as Comstock Ferre, nor does it dictate whether the Commission is pro-economic or anti-economic development in the Town of Wethersfield. He believes that this Application is specific as to whether the request of the Applicants fits or doesn't fit the particular neighborhood. He is not in favor of the "money changing hands" standard for determining whether an event is for a "family or friend" with the result being that the event is immune from any oversight by the Commission. He likened the "family or friend" classification as unfavorable with other commercial establishments in Town and reasoned that a proprietor's lending of their business to a "family or friend" without any oversight by the Commission would not be allowed. He noted that it is hopeful that the Applicants will consider the viewpoints expressed regarding the "family or friend" events. He also noted that he is reluctant to allow amplified

music, as more controversy and police department resource response could emerge. He indicated that perhaps amplified music could be allowed for a specific number of events, and if a noise violation citation was incurred, then the special permit would be adversely affected. He believes that an easy solution may be to renew the terms of the existing permit but lengthen the term from 1 year to 2 or 3 years.

Commissioner Harley agrees that renewing the existing permit for a longer duration would be a simple solution.

Commissioner Oickle noted that he would not like to see property values in Old Wethersfield and the adjoining neighborhood adversely affected by a decision on this Application renewal. He believes that the unique characteristics of Old Wethersfield will be more apparent as the years pass.

Vice Chairman Roberts is disinclined to alter the stipulations of the previous permit other than its term. He believes there should be no increase in the number of events. He also believes that a lack of a special permit for events would result in (1) events creating police matters, and (2) neighborhood conflicts. He stated that a natural analysis for this Application renewal would be the notion of whether allowing friends and family take over a residence on a routine basis to hold large parties is considered a customary accessory use of either a commercial or residential property. He believes that the answer to the analysis is no. He noted that Stipulation #9, as currently drafted, addresses the customary accessory use standard and indicates the necessity of a special permit for outdoor events.

Commissioner Hughes noted that the Town Green is unique, as it is the center of Town activity. He indicated that he finds it distressful to see everyone at odds with each other, noting that it's not what the Town community is all about. He suggested a structured permit with a longer duration. He reasoned that a longer duration would allow for matters to be properly addressed and that a one (1) year renewal is not sufficient time for the community to heal and the process to mature. He noted that the Applicants would be required to return to the Commission should violations of the Special permit occur. He indicated that some consequences for violations may include nullification and voidance of a special permit or a requirement that the Applicants return to the Commission for a hearing.

Commissioner Harley believes that additional events, as requested by the Applicants, are no problem. He suggested that a two (2) year permit with limitations on numbers of guests and parking might be worthy of discussion. He also likes the suggestion that any violations to the special permit terms and stipulations would warrant a hearing before the Commission. He noted that the amplified music issues are sufficiently covered under the current permit, as events address time limitations and adherence to the noise ordinance.

Commissioner Harley made an inquiry regarding the articulation of the process utilized when addressing special permit violations.

Mr. Gillespie noted that a notice of violation would be issued to the Applicants and a show cause hearing would occur in order for the Applicants to defend the complaint. At the conclusion of the show cause hearing, the Commission would have the authority to determine whether the violation was sufficient enough to modify stipulations to, or revoke, the Special Permit.

Chairman Hammer made an inquiry to Mr. Gillespie regarding an action the Commission could take

after the conclusion of a show cause hearing. He inquired whether the Commission could request the Applicants for a contingency or performance-based measure prior to addressing a modification to or revocation of a Special Permit.

Mr. Gillespie noted that remedies by the Commission at the conclusion of a show cause hearing would depend on how the Commission crafts terms and stipulations in a Special Permit.

Chairman Hammer noted that the discussion of special permit violations is made due to the sensitivity of all parties and is not being made in disrespect to the Applicants, neighbors or Police Staff.

Commissioner Hughes noted that in an instance of noise ordinance violation, a responding officer would exercise good judgment when deciding how egregious a response required. He noted that the feedback from said officer would be a critical piece of information for the Commission.

Commissioner Oickle made an inquiry as to whether the Commission could have the Applicants come up with a parking plan when addressing the 250 foot parking requirement.

Chairman Hammer noted that the Applicants could not present a plan due to the hearing being closed. He noted that in Stipulation #5, a parking plan would be in place.

Commissioner Munroe stated that indoor weddings should not fall within the scope of the limits noted in the Application. He agrees with no amplified music and a permit duration of two (2) years. He reiterated the need for the term of the permit to be longer than one (1) year.

Chairman Hammer noted and Mr. Gillespie concurred that there is a limitation to the number of indoor events that can be held, pursuant to building codes.

Chairman Hammer noted that if the restriction on amplified music was to remain, he would be comfortable with a special permit duration of two (2) years. He also noted his comfort with four (4) events held with a maximum number of two (2) events per calendar month. He indicated his consent with no amplified music and no parking on Robbinswood Drive (as noted in stipulation #5). He stated that if amplified music was allowed, he'd be concerned with the duration and how "amplified music" is defined.

Commissioner Oickle indicated a preference for a two (2) year permit term. He also noted that he is not in favor of allowing amplified music. He believes that self-policing of the amplified music issue could have been better carried out by the Applicants than it was.

Commissioner Harley noted that amplified music is fundamental to events.

Commissioner Knecht inquired as to whether something could be done to temper the amplification of music for the neighbors.

Vice Chairman Roberts noted that he'd lean toward no amplified music. However, if it were essential for the Applicants to have amplified music to hold any event, perhaps the amplification of music could be modulated to comply with the noise ordinance. He reasoned that prior testimony regarding a disc jockey's ability to modulate amplification as the basis of his suggestion.

Chairman Hammer suggested and Vice Chairman Roberts concurred that if amplified music was allowed for an event, a plan could be submitted to the Commission before said event showing that compliance with the noise ordinance at the property line will occur.

Commissioner Oickle agreed with a plan, as described above.

Commissioner Homicki noted that the duration schedule noted in the Stipulations was created to accommodate the neighbors.

Mr. Gillespie believes the Applicants stated that professionals who can modulate music amplification exist. He stated that the Town could hire the third-party expert, at the Applicants expense, and that the expert could prepare a Plan for Town Staff and the Police Department demonstrating how the modulation of music amplification in consideration of the noise ordinance would work.

Vice Chairman Roberts believes that at this time, the Special permit stipulations should be kept as is to prevent issues of negotiability.

Chairman Hammer noted that the Applicants could return to the Commission and request modifications to the Special permit.

Motion: Commissioner Hammer made a motion to approve, subject to the following stipulations, APPLICATION NO. 1691-09-Z: John & Shireen Aforismo Seeking a Special Permit to host special events at 185 Broad Street (Renewal & modification to Application No. 1635-08-Z):

1. Outdoor Special Events (including wedding and large parties) will not exceed two (2) non-family related events per calendar year and will not exceed one (1) event per calendar month. Up to six (6) wedding ceremonies (ceremony only without any reception) may be conducted during each calendar year during the term of this Special Permit (January 1, 2010 through November 30, 2010).
2. The term of this Special Permit shall be two (2) years, expiring on December 31, 2011. During the permit term, the applicant may apply for an extension prior to the expiration date and the Commission shall have the discretion following a public hearing to renew the permit for an additional timeframe.
3. Outdoor Special Events will be limited to a maximum of 125 guests.
4. Ending Time of Outdoor Special Events:
 - If the event falls on a Friday evening, the non amplified band/music will stop at 8 PM.
 - If the event falls on a Saturday evening, the non amplified band/music will stop at 8 PM.
 - If the event falls on a Sunday, the non amplified band/music will stop at 6 PM.
 - No events shall be held on any day, Monday through Thursday.
5. Parking:
 - Parking on the Green is prohibited and the Green shall be posted "No Parking" to the

satisfaction of the Town.

- Parking on the Bed & Breakfast grounds is available for Staff.
- Parking attendants will direct guests where to park.
- Parking offsite with shuttle service as needed. (If there is a small nuptial and parking on the Bed & Breakfast grounds is sufficient, then there will be parking on the Bed & Breakfast grounds.)
- Work with the Wethersfield Police Department to have Robbinswood Drive posted with temporary signage indicating residents only access during Outdoor Special Events, and temporary barrier erected (residents and their guests to still have access).
- Allow parking in front of bed and breakfast only.

6. Entertainment:

- Applicant shall comply with the Town Noise Ordinance.
- No amplified music or other sound.

7. Miscellaneous:

- Property Owner to be responsible to clean up any off site litter following an Outdoor Special Event.
- Tent installation shall comply with all applicable State Statutes.
- Tents to be removed as soon as possible with every effort that they be removed no more than forty-eight (48) hours after an Outdoor Special Event.
- Port-a-potties: If needed, they will be hidden to the extent possible.

8. Notice:

- At the beginning of the season, a one-time calendar notification will occur. Changes will be sent as booked. Notification will be sent to all abutting property owners within 300' via U.S. Mail and not with Certificate of Mail.

9. By approving this application, the Commission does not adopt or endorse the applicant's contention that they may hold outdoor special events for "family and friends" without the need for a special permit and that such events are not subject to the terms and conditions of this approval. The Commission expressly reserves its right to take enforcement or other action in the event that it determines that activities on the property are in violation of the zoning regulations and/or zoning permits and approvals applicable to the property, including but not limited to this approval.

Second: Commissioner Oickle seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Homicki, Jurasin, Munroe, Oickle, Hughes

Nay: None

Abs: Petrelli

Vote: 9 – 0 – 1

Commissioner Petrelli recused himself from the discussion and voting of this matter.

Application approved with stipulations. Note: This approval is made without prejudice to the Applicants to seek modification of this Special Permit should they seek assistance of the third-party expert, as noted by the Commission.

4.2 PUBLIC HEARING APPLICATION NO. 1692-09-Z Lorraine Ficara Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations to operate a home occupation (salon) at 81 Dudley Road. ---- Continued from 11/17/09 meeting.

Mr. Gillespie noted that the Applicant and her neighbor, Michael McKenna of 89 Dudley Road, have reached an agreement regarding the issue of a portion of the Applicant's driveway existing on the neighbor's property. The neighbor she noted is Michael McKenna of 89 Dudley Road.

The Applicant appeared before the Commission noting that she and her neighbor, Michael McKenna, have reached an agreement that she will purchase the certain land portion of which her driveway currently exists on the property of Mr. McKenna. She described this portion of land as a foot and a half wide portion extending all the way down the property line, and she will incur the fees and expenses associated with this transaction.

Mr. Michael McKenna, 89 Dudley Road, was present at this hearing and expressed his consent with the agreement for her purchase of the 18 inch section. He noted that the additional land purchase by the Applicant would make the Applicant's driveway entirely on her property.

Mr. Gillespie indicated that the Applicant submitted a document noting hours of operation, etc. Upon suggestion of Mr. Gillespie, the Applicant read the following information into the record, noting that her business will be a low-key, discreet operation with parking at the back of her property (in her backyard): "To further elaborate on the subject of having clients coming to the home, hours of operation for the most part will be no earlier than 8:30 in the morning and no later than 8:30 in the evening. At present, I am open Tuesday, Thursday and Friday, and a half day on Saturday. Clients will be by appointment only and will be spaced out in such a way that one client will be taken at a time with the occasional overlap of a second, making it necessary for two parking spaces available for such overlap. Most of the clients will be taken in the day. There are a few evening appointments that are taken to accommodate some that can only come after work. There are only two nights a week that I do accommodate those few. In time, I would like to make hours of operation shorter and fewer days. I do not advertise and only get customers through word of mouth. All my clients are people that I have known for a long time. I have no need to have a sign displayed."

Vice Chairman Roberts inquired as to which nights in the evening the business is open. He also inquired as to what time the Applicant would conclude business on Friday and Saturday.

The Applicant noted that her salon business would be open on Tuesday and Thursday evenings. She also noted that business would conclude around 5-5:30 p.m. on Friday and 1:00 p.m. on Saturday.

Chairman Hammer inquired and Mr. Gillespie noted that a letter dated November 3, 2009, was read into the record at the PZC Meeting of November 17, 2009. The letter was from John and Helen Terry of 66 Dale Road. The letter indicated that they are opposed to the Application.

Motion: Commissioner Hughes made a motion to close the public hearing.

Second: Vice Chairman Roberts seconded the motion.

Aye: Roberts, Knecht, Harley, Homicki, Jurasin, Petrelli, Munroe, Oickle, Hughes
Nay: None
Abs: Hammer

Vote: 9 – 0 – 1

The Applicant stated to the Commission that she would be willing to modify her Application if necessary. She reiterated her objective of scaling back business over time.

Motion: Vice Chairman Roberts made a motion to approve, with conditions, APPLICATION NO. 1692-09-Z: Lorraine Ficara Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations to operate a home occupation (salon) at 81 Dudley Road.

1. The business space is determined as 119 square feet;
2. The permit is for a period of 5 years;
3. Operate no earlier than 8:30 a.m. Tuesday, Thursday, Friday and Saturday. Hours of operation on Tuesday and Thursday may not to exceed 8:30 p.m. Hours of operation on Friday may not exceed 5:30 p.m. Hours of operation on Saturday may not exceed 1:00 p.m.;
4. Serve no more than one client at a time;
5. No more than two (2) parking spaces can be used for clients at a given time;
6. Applicant is the sole employee;
7. Retail sales other than incidental (hair care products) are prohibited;
8. Signage noting a business on the site is prohibited.

Second: Commissioner Hughes seconded the motion.

Aye: Roberts, Knecht, Harley, Homicki, Jurasin, Petrelli, Munroe, Hughes
Nay: Oickle
Abs: Hammer

Vote: 8 – 1 – 1

Application approved with conditions.

4.3 PRE-APPLICATION REVIEW – Proposed Multi-Family Development at 2180 Berlin Turnpike (Collier Place). The Commissioners discussed the current plan with JPG Partners, LLC, 110 Court Street, Suite 1, Cromwell, CT 06416 (Daniel Gassner/Patrick T. Snow, Applicants) - JPG Partners LLC, 110 Court St., Ste. 1, Cromwell, CT, 06416, its Architect, Harvey B. Leibin, AIA, of DuBose Associates, Inc., 49 Woodland Street, Hartford, CT 06105 and its Engineer and Land Surveyor, Rohan A. Freeman, P.E., L.S, President of Freeman Companies, LLC, 54 Greenview Drive, Rocky Hill, CT 06067. The Plan currently indicates the construction of two (2) apartment buildings of four (4) stories each. Seventy-Five (75) units consisting of one bedroom units (604-784 sq. ft. each) and two bedrooms (900 sq. feet each) are planned. There are a few three bedroom units (1,212 sq. feet

each). Rental rates proposed are \$875-\$1,275 per month. Residents would park beneath each of the two (2) buildings. 65 spaces for parking and an elevator and stairs are provided in each of the two apartment buildings. A third building, a clubhouse is also part of the plan. It is located on the section of the property located in the Town of Newington. The clubhouse will serve as an accessory use building to apartment residents and for rental to the public. The top of each of the two (2) apartment buildings will appear 40 feet lower from the Berlin Turnpike. The buildings are to have a New England vernacular appearance. The subject property is in a Regional Commercial Zone.

Discussion:

Mr. Gillespie noted that the property would have to be re-zoned to conform to zoning regulations.

Commissioner Oickle indicated that a negative clientele exists in that location. He also expressed concerns with a perceived lack of view.

Vice Chairman Roberts noted that this project is not what the Commission had in mind for a mixed use type of property.

Mr. Gillespie noted that there are density and square footage issues with the property and that re-zoning is not a simple solution. He also noted that this property is not a prime commercial site.

Commissioner Hughes noted the site work intensiveness to this property. He noted that the proposal appears to be a good revenue generator.

Commissioner Munroe inquired and Mr. Freeman noted a property management company will provide maintenance to the property.

Commissioner Petrelli noted the presence of blighted motels in close proximity to the site.

Commissioner Oickle suggested a traffic study be completed.

Mr. Freeman noted that the project is not proposed for Section 8 tenancy.

Commissioner Homicki noted that there is a 45 foot drop on the driveway.

Chairman Hammer made an inquiry regarding projections as to the number of school-aged children that would reside at the complex.

Mr. Freeman noted that his clients would be willing to take out 3 bedroom units or make other modifications to the plan.

Mr. Gillespie noted that nine (9) multiple residential units per acre are allowed. He also noted that a zone change to multi-family would need to occur or that the matter may have to have ZBA approval.

Chairman Hammer indicated caution with the nine (9) multiple residential unit per acre requirement.

Commissioner Homicki noted that the plan was quite intense and that the financial impact was large.

Commissioner Oickle indicated a preference with a lower density plan.

Commissioner Petrelli made an inquiry as to whether an office complex has been considered at the site.

Commissioner Hughes noted that this is a tough site to develop and that the market is telling us what to do with this site.

Chairman Hammer emphasized the need to know a fiscal analysis for this project to learn what demands this project would have on Town services and the Town school system.

Vice Chairman Roberts concurs with Chairman Hammer and Commissioner Hughes. He noted that he needs to be reassured that this project would be positive for the Town.

Mr. Freeman noted that the developer would spend \$150 per foot in order for the complex to have a nice appearance.

Vice Chairman Roberts noted that the project is not visible from the Berlin Turnpike. Therefore, the fiscal analyses are necessary. He is concerned with the impact on Town infrastructure and the demands on the police and fire departments. He also noted that a second access to property, other than the main driveway, is needed for emergency only access to tenants.

Commissioner Homicki noted the need for information relative to current rates of occupancy in apartments.

Commissioner Oickle noted that ideal rental prices are optimal.

The Commissioners requested more information of the Applicant relative to fiscal analysis, impact on services, full traffic impact analysis, and regional rental study data. The Applicants are to seek and obtain information from Staff regarding wetlands issues.

5. MINUTES – Minutes from the November 17, 2009 Meeting.

Commissioner Hughes and Commissioner Oickle noted corrections to the Minutes. The Minutes will be revised accordingly.

Motion: Commissioner Oickle motioned to approve the minutes with the suggested revisions.

Second: Vice Chairman Roberts seconded the motion.

Aye: Roberts, Knecht, Harley, Homicki, Jurasin, Munroe, Oickle, Hughes

Nay: None

Abs: Hammer, Petrelli

Vote: 8 – 0 – 2

Minutes approved as corrected.

Chairman Hammer and Commissioner Petrelli abstained in the vote, as they were not present during the November 17, 2009 Meeting.

6. STAFF REPORTS – Mr. Gillespie made a report regarding **Application No. 1651-09-Z Phil Collelo** Seeking a Special Permit for a Change of Use to operate a cosmetology school (Nirvana Salon Academy) at 326 Silas Deane Highway, as the deadline for site plan submission has expired. If a Site Plan is not submitted for the property, enforcement actions will begin after year end. A report will be made by Mr. Gillespie regarding this matter at the next PZC meeting.

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING

There were no public comments made on general matters of planning and zoning.

8. CORRESPONDENCE

8.1 A memo dated November 23, 2009 from Rebecca Drew regarding Application No. 1693-09-Z.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

There are no pending applications to be heard at future meetings.

10. ADJOURNMENT

Motion to adjourn at 10:02 PM – by Commissioner Homicki.

Seconded – by Commissioner Oickle.

Vote: 9– 0 – 0

Aye: Hammer, Roberts, Knecht, Harley, Homicki, Jurasin, Petrelli, Munroe, Oickle,

Nay: None

Abs: None

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary